IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Petition No. 1349 of 2004 (S/S)

Shivanshu Sharma,
S/o Dr. R.K. Sharma,
R/o A-72/3, IRI Colony,
Left Bank, Roorkee
District Haridwar …….. Petitioner

Versus

1. Director
Indian Institute of Technology,
Roorkee, District Haridwar.
2. Registrar,
Indian Institute of Technology,
Roorkee, District Haridwar …….. Respondents

Mr. Arvind Vashishth, learned counsel for the petitioner.
Mr. S. Dhulia, learned Senior Advocate assisted by
Mr. N.S. Punidr, learned counsel for the respondents.

Hon'ble Prafulla C. Pant, J.

By means of this writ petition, the petitioner has sought writ in the nature of the certiorari quashing the letter dated 04.11.2004 whereby the petitioner was refused to continue his studies in 3rd year of B.Tech. (Electrical) course in the respondent-Institute.

3) Heard learned counsel for the petitioner and learned counsel for the respondents.

4) Para 4 the writ petition shows that the petitioner joined the B.Tech. (Electrical) course in the respondent- institute way back in the year 1990-91. Admittedly, he could not clear the exams of the 2nd year of said Course. It is alleged in the petition that the petitioner was suffering from redidual Schizophrenia and deserves a sympathetic consideration. The

respondent- Institute has academic stands and has to run according to the rules and byelaws. Annexure No. 2 to the writ petition shows that the petitioner was given last chance on the basis of his mercy appeal vide letter dated 17/19 June, 1995 to rejoin the Institute. However, it appears that the petitioner did not comply said order. In the earlier round of litigation, which was initiated through writ petition No.815 (M/S) of 2003, this Court directed to consider the case of petitioner sympathetically while disposing of said writ petition vide its order dated 28.08.2004. By the impugned order dated 4th November, 2004, the respondent-Institute has intimated the petitioner that after considering all possible options sympathetically as per the regulations, now he cannot be permitted re-admission in the 3rd year.

4) In the facts and circumstances of the case, this Court is not inclined to interfere now with the decision of the respondent-Institute. Accordingly, the writ petition is dismissed in linimne.

(Prafulla, C. Pant, J.)

Dt.23.12.2004
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